

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 13-282—sSB 1040
Transportation Committee
Judiciary Committee

**AN ACT CONCERNING COUNTERFEIT AND NONFUNCTIONAL
AIRBAGS AND UNLAWFUL PARKING IN SPACES RESERVED FOR
PERSONS WITH DISABILITIES**

SUMMARY: This act (1) makes changes in the law on selling and installing unsafe airbags and (2) requires a municipal police officer to issue a written warning or summons when the officer sees a vehicle illegally parked in a handicapped spot.

With regard to airbags, the act:

1. increases the penalty for selling motor vehicle air bags that do not meet federal safety standards;
2. makes it a new crime, and applies the increased penalty, to manufacture, import, install, or reinstall such devices or counterfeit or nonfunctional airbags;
3. makes these offenses unfair trade practices;
4. expands the crime of airbag fraud; and
5. defines terms used in the act.

EFFECTIVE DATE: October 1, 2013

COUNTERFEIT OR NONFUNCTIONAL AIR BAGS

Criminal Violations

By law, it is a crime for anyone to sell or offer for sale a device intended to replace a motor vehicle air bag if the seller knows or reasonably should know that it does not meet federal safety standards. Under prior law, a violation was a class A misdemeanor (see Table on Penalties).

The act makes (1) such a violation a class D felony, and (2) it a crime to manufacture, import, install, or reinstall such a device and applies the increased penalties to such violations. It also makes it a crime, punishable by the increased penalty, to knowingly sell, offer for sale, manufacture, import, install, or reinstall a counterfeit or nonfunctional air bag, as defined in the act.

The act also makes it a crime, subject to the same increased penalty, to sell, install, or reinstall a device that causes a vehicle's diagnostic system to inaccurately indicate it is equipped with a functional air bag when (1) a counterfeit or nonfunctional air bag is installed or (2) there is no air bag.

Unfair Trade Practice

By law, selling or offering for sale a replacement device that the seller knows

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or reasonably should know does not meet federal airbag safety standards is an unfair or deceptive trade practice (see BACKGROUND). Each sale, or offer for sale, is a separate and distinct violation. The act also makes (1) the above violations unfair or deceptive trade practices and (2) each manufacture, importation, installation, or reinstallation a separate and distinct violation.

Air Bag Fraud

By law, air bag fraud occurs when someone, with intent to defraud another person, knowingly installs or reinstalls an object other than a properly designed air bag. The act expands air bag fraud to include the sale of such objects and specifies that these include counterfeit and nonfunctional air bags. Air bag fraud is considered larceny. The penalty imposed for a violation depends on the amount charged the victim of the fraud.

Definitions

Air Bag. Under the act, an “air bag” is a motor vehicle inflatable occupant restraint system, including all component parts, such as the cover, sensors, controllers, inflators, and wiring, that (1) operates in a crash and (2) is designed according to federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed.

Counterfeit Air Bag. A “counterfeit air bag” is an airbag that displays a mark identical or similar to the genuine mark of a motor vehicle manufacturer without that manufacturer’s authorization.

Nonfunctional Air Bag. A “nonfunctional air bag” is a replacement air bag system that (1) was previously deployed or damaged; (2) has an electric fault detected by a vehicle’s air bag diagnostic system after installation; or (3) includes any part or object, including a counterfeit or repaired air bag cover, installed in a motor vehicle to mislead its owner or operator into believing a functional air bag has been installed.

ILLEGAL PARKING IN A HANDICAPPED SPACE

The act requires a municipal police officer to issue a written warning or a summons when he or she observes a vehicle illegally parked in a handicapped parking space.

By law, only a motor vehicle displaying a handicapped number plate or placard may park in a space reserved for people who are blind or have a disability. Violators are subject to a \$150 fine for a first violation and a \$250 fine for each subsequent violation. Motor vehicles parked in violation of this law for a third or subsequent time may be towed.

BACKGROUND

Unfair or Deceptive Trade Practice

The law prohibits businesses from engaging in unfair and deceptive acts or practices. It allows the consumer protection commissioner to issue regulations

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defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$5,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorneys' fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violating a restraining order.

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